

Remarks/Arguments

This response is to the Office Action dated February 17, 2005.

Claims 1, 2, 5-8 and 10-13 remain in this application.

Claims 2, 10 and 13 have been rejected under 35 USC 102(b) in view of Wyatt et.al.(US 3,679,059). Applicants disagree.

The office action states that Wyatt teaches a screen for a filter device and a module with the screen having one or more ports on the edges, internal gaskets formed through the screen around the ports and the thickness of the gasket extend from the screen layer as taught by the above cited claims.

Wyatt fails to teach or suggest that the gasket extends from the screen surface. The section cited in the office action for support fails to teach or suggest the use of gaskets having a height greater than that of the screen to which it is formed. Moreover, note Column 4, lines 33-35 in which the invention of Wyatt and how it is made is disclosed." The paste was spread in such a manner that **no excess material protruded to a thickness greater than that of the mesh.**" (Applicants emphasis). This is reiterated in the claims of Wyatt wherein the gasket is of "the same thickness" as the mesh (Claim 1, lines 5 and 6 thereof). Moreover the method by which Wyatt teaches one of ordinary skill in the art to make his invention also leads one to conclude that the gasket is the same thickness as the mesh. Wyatt takes a mesh and covers it on both sides by plastic or metal sheets or membranes and then compresses the entire structure to allow the gasket material to cure.

It appears clear that Wyatt intended its gasket to be the same thickness as the mesh. As such it fails to teach or suggest the claimed elements in present claims and the rejection should be withdrawn.

Additionally the above claims have been rejected on the basis that the term "thermoplastic elastomer" is broad enough to encompass the rubbers and urethanes of Wyatt. The statement is made in the Office action that "thermoplastic elastomers " are "rubbers". There is no support cited for this allegation and is incorrect. Thermoplastic elastomers are unique, non-rubber thermoplastic materials. They have the advantages of rubbers or other elastomers, such as elasticity or resiliency, but are true thermoplastics and can be applied by simply heating the material above its melt point, applying it and allowing it to cool in order to solidify. Unlike "rubbers" they do not need to be cured or vulcanized or otherwise hardened a thermoset or non- reversible fashion. One of ordinary skill in the art would have known from the language and teaching in the present specification that these materials are not rubbers but an unique type of thermoplastic and that it would not have fallen into the "generic chemical formula" of "rubbers". As such, the argument raised in the office action that these materials are anticipated by the generic "rubbers" is unfounded and should be withdrawn.

Claim 1 has been rejected under 35 USC 103(a) over Van Hoek et al (US 2,758,083) in view of Wyatt et al (above). Applicants disagree.

Van Hoek teaches using glue to bond the holes in two adjacent membranes together or alternatively to use a separate preformed spacer device placed between the adjacent surfaces of the two adjacent membranes. It fails to teach an integral sealing device in a filter that extends beyond the surface of the filter. The combination with Wyatt fails to overcome this problem for as provided above Wyatt fails to teach or suggest this idea as well. There is no motivation to combine the two references as Wyatt does not overcome any perceived problem in Van Hoek and even if one of ordinary skill in the art would be motivated to combine them, the combination would not have taught

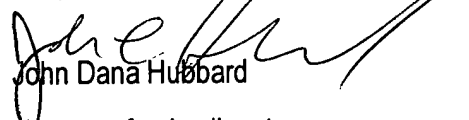
the present invention. Wyatt doesn't teach having a thickness of an integral gasket extending beyond the mesh surface. As such combining Wyatt with Van Hoek would not have resulted in the claimed invention. As such it is believed the prima facie case of obviousness has been rebutted and the rejection should be withdrawn.

Claim 1 5-8, 11 and 12 have been rejected under 35 USC 103(a) over Wyatt et al (above).

Applicants disagree for the reasons stated above in regard to claims 2, 10 and 13. As Wyatt fails to teach or suggest the use of a gasket having a height greater than the thickness of the mesh in which it is formed, it would not have been obvious to one of ordinary skill in the art to then select the preferred thicknesses above that surface to which the gasket extends as claimed in claims 5-8, 11 and 12 and as such the prima facie case of obviousness has been rebutted and the rejection should be withdrawn.

Reconsideration and allowance are respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,



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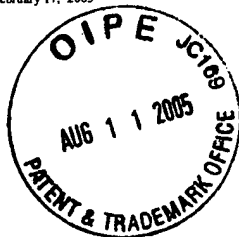
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